

**NOTICE OF INTENT TO ADOPT A PROPOSED RULE AMENDMENT TO THE  
STATE LICENSING BOARD FOR RESIDENTIAL AND GENERAL CONTRACTORS,  
BOARD RULE CHAPTER 553-10, INACTIVE LICENSE, RULE 553-10-.01 INACTIVE  
LICENSE, AND NOTICE OF PUBLIC HEARING**

**TO ALL INTERESTED PERSONS AND PARTIES:**

Notice is hereby given that pursuant to the authority set forth below, the State Licensing Board for Residential and General Contractors, (hereinafter "Board") proposes an amendment to the State Licensing Board for Residential and General Contractors Board Rule Chapter 553-10; Rule 553-10-.01 (herein after "proposed rule amendment").

This notice, together with an exact copy of the proposed rule amendment and a synopsis of the proposed rule amendment, is being disseminated to all persons who have requested, in writing, they be placed on a distribution list. A copy of this notice, an exact copy of the proposed rule amendment, and synopsis of the proposed rule amendment may be reviewed during normal business hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. These documents will also be available for review on the following Board website <http://sos.ga.gov/index.php/licensing/plb/46>. Copies may also be requested by contacting the Board office at (478) 207-2440.

A public hearing will be held at **9:00 a.m. on Wednesday, January 30, 2019** at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed rule amendment.

At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for official record. Oral statements should be concise and will be limited to five (5) minutes per person. Written comments are welcomed. Such written comments must be legible and signed, should contain contact information from the maker (address, telephone number and/or facsimile number, etc.) and be actually received in the office prior to the close of business (5:00 P.M. EST) on **Wednesday, January 23, 2019**. Written comments should be addressed to Darren Mickler, Acting Division Director, Office of the Secretary of State, Professional Licensing Boards Division, State Licensing Board for Residential and General Contractors, 237 Coliseum Drive, Macon, Georgia 31217; Fax (478) 207-1458.

The proposed rule amendment will be considered for adoption by the State Licensing Board for Residential and General Contractors at its meeting scheduled to begin at **9:00 a.m. on Wednesday, January 30, 2019** at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217. According to the Department of Law, State of Georgia, the State Licensing Board for Residential and General Contractors has the authority to adopt the proposed amendment to Rule 553-10-.01 pursuant to authority contained in O.C.G.A. §§ 43-41-5(a)(7), 43-41-5(a)(9), and 43-41-9(e).

The Board will consider at its meeting on Wednesday, January 30, 2019 whether the formulation and adoption of this rule amendment imposes excessive regulatory cost on any licensee or entity and whether any cost to comply with the proposed rule amendment could be reduced by a less



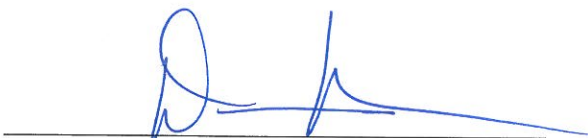
expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-41-5(a)(7), 43-41-5(a)(9), and 43-41-9(e).

Additionally, at the meeting on January 30, 2019, the Board will consider whether it is legal or feasible to meet the objectives of O.C.G.A. §§ 43-41-5(a)(7), 43-41-5(a)(9), and 43-41-9(e) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this proposed rule amendment will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of residential or general contracting.

For further information, contact the Board office at (478) 207-2440.

This notice is given in compliance with Section 4(a)(1) of the Georgia Administrative Procedures Act O.C.G.A. § 50-13-4.

This 27 day of December, 2018.

  
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Darren Mickler  
*Acting Division Director*  
**Professional Licensing Boards**

Posted: 12/27/18



**SYNOPSIS OF PROPOSED AMENDMENT TO THE STATE LICENSING BOARD FOR  
RESIDENTIAL AND GENERAL CONTRACTORS, BOARD RULE CHAPTER 553-10,  
INACTIVE LICENSE,  
RULE 553-10-.01 INACTIVE LICENSE**

**Purpose:** The purpose of this rule amendment is to revise the rule name, revise the inactive status criteria, and add an inactive status for residential and general contractors who have disaffiliated from a company. The rule also amends the path for reactivation of licensure.

**Main Features:** The main features of the amended rule are the revised rule name, revised inactive status criteria, and the addition of an inactive status for residential and general contractors who have disaffiliated from a company. The rule also provides a path for reactivation of licensure for an inactive license, upon meeting specific criteria.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENT TO THE STATE  
LICENSING BOARD FOR RESIDENTIAL AND GENERAL CONTRACTORS, BOARD RULE CHAPTER  
553-10, INACTIVE LICENSE, RULE 553-10-.01 INACTIVE LICENSE**

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

**Rule 553-10-.01 Inactive License Status.**

~~(1) A residential or general contractor who holds a valid residential or general contractor's license in the State of Georgia may request the license be placed on inactive status under the following provisions:~~

~~(a) Notifies the Board, in writing, that he or she chooses to retire from active practice of the profession. Said license shall be considered inactive.~~

~~(b) Shall not engage in contracting and shall not hold themselves out to the public as being available to provide contractor services.~~

~~(c) Shall not be required to obtain the necessary continuing education credits.~~

~~(d) Shall not be assessed a renewal fee for the period that the license is inactive.~~

~~(2) Contracting with an inactive license shall be considered unlicensed practice and is subject to disciplinary action.~~

~~(3) Should contractor holding an inactive license choose to return to active status, the following requirements must be met:~~

~~(a) Submit evidence of attendance of the required Board approved continuing education for each biennium that the license was inactive.~~

~~(b) Provide evidence that licensee is in good standing in all states in which he or she has ever been licensed. A reactivation fee as established by the board must be submitted with the application for reactivation.~~

~~(c) Submit proof of current general liability insurance and worker's compensation as required by law for the license type that is to be reinstated.~~



~~(d) Submit other proof of financial responsibility as is required for the license type that is to be reinstated.~~

~~(4) After 5 years of continuous inactive status, the Board may, at its discretion require successful passing of the contractor examination in the contractor field for the license that the contractor wishes to reinstate.~~

(1) Inactive Status for licensees choosing to refrain or retire from active practice as a residential or general contractor: A residential or general contractor may request the license be placed on inactive status under the following provisions:

(a) Holds a valid residential or general contractor's license in the state of Georgia with a current expiration date.

(b) Notifies the Board that the licensee chooses to refrain or retire from active practice as a residential or general contractor by submitting an Inactive Status application, as established by the Board, along with the required fee.

(c) If the licensee is the sole qualifying agent for a business organization, the business organization shall have 120 days from the date of inactive status to submit an application to the Board for another Qualifying Agent, unless the respective Division receives other substantiated information that the company is no longer in business.

(d) Shall not engage in contracting and shall not hold themselves out to the public as being available to provide residential or general contractor services.

(e) Shall not be required to maintain continuing education credits.

(f) Shall not be assessed a renewal fee for the period that the license is inactive.

(2) Inactive Status for Qualifying Agent after disaffiliation from company: A license pertaining to a residential or general contractor who acts as a qualifying agent for a residential or general contractor company shall be placed on inactive status under the following provisions:

(a) Holds a valid residential or general contractor's license in the state of Georgia with a current expiration date.

(b) The licensee properly notifies the Board by submitting a Disaffiliation form, as established by the Board, that the licensee has disaffiliated from the company as required under O.C.G.A. § 43-41-9(e);

(c) The company properly notifies the Board by submitting a Disaffiliation form, that the licensee has disaffiliated from the company as required under O.C.G.A. § 43-41-9(e);

(d) The respective Division receives other substantiated information that the qualifying agent is no longer affiliated with the company; or

(e) The respective Division receives other substantiated information that the company is no longer in business.

(f) If the licensee is the sole qualifying agent for a business organization, the business organization shall have 120 days from the date of inactive status to submit an application to the Board for another Qualifying Agent, unless the respective Division receives other substantiated information that the company is no longer in business.

(3) Contracting with an inactive license shall be considered unlicensed practice and is subject to disciplinary action.

(4) If a residential or general contractor whose license has been placed on inactive status seeks to reactivate the inactive license, the licensee may be returned to active status if the following requirements are met:



- (a) A reactivation application, as established by the Board, along with the required fee, must be submitted to the Board.
- (b) Submit evidence of attendance of the required Board approved continuing education for each biennium that the license was inactive.
- (c) Provide evidence that licensee is in good standing in all states in which he or she has ever been licensed.
- (d) Submit proof of current general liability insurance and worker's compensation as required by law for the license type that is to be reactivated.
- (e) Submit proof of financial responsibility as is required for the license type that is to be reactivated.
- (f) Submit proof of active and compliant registration with the Georgia Corporations Division for the business organization as is required for the license type that is to be reactivated.

**Authority: O.C.G.A. §§ 43-41-5(a)(7), 43-41-5(a)(9), and 43-41-9(e).**



**Rule 553-10-.01 Inactive Status.**

(1) Inactive Status for licensees choosing to refrain or retire from active practice as a residential or general contractor: A residential or general contractor may request the license be placed on inactive status under the following provisions:

(a) Holds a valid residential or general contractor's license in the state of Georgia with a current expiration date.

(b) Notifies the Board that the licensee chooses to refrain or retire from active practice as a residential or general contractor by submitting an Inactive Status application, as established by the Board, along with the required fee.

(c) If the licensee is the sole qualifying agent for a business organization, the business organization shall have 120 days from the date of inactive status to submit an application to the Board for another Qualifying Agent, unless the respective Division receives other substantiated information that the company is no longer in business.

(d) Shall not engage in contracting and shall not hold themselves out to the public as being available to provide residential or general contractor services.

(e) Shall not be required to maintain continuing education credits.

(f) Shall not be assessed a renewal fee for the period that the license is inactive.

(2) Inactive Status for Qualifying Agent after disaffiliation from company: A license pertaining to a residential or general contractor who acts as a qualifying agent for a residential or general contractor company shall be placed on inactive status under the following provisions:

(a) Holds a valid residential or general contractor's license in the state of Georgia with a current expiration date.

(b) The licensee properly notifies the Board by submitting a Disaffiliation form, as established by the Board, that the licensee has disaffiliated from the company as required under O.C.G.A. § 43-41-9(e);

(c) The company properly notifies the Board by submitting a Disaffiliation form, that the licensee has disaffiliated from the company as required under O.C.G.A. § 43-41-9(e);

(d) The respective Division receives other substantiated information that the qualifying agent is no longer affiliated with the company; or

(e) The respective Division receives other substantiated information that the company is no longer in business.

(f) If the licensee is the sole qualifying agent for a business organization, the business organization shall have 120 days from the date of inactive status to submit an application to the Board for another Qualifying Agent, unless the respective Division receives other substantiated information that the company is no longer in business.

(3) Contracting with an inactive license shall be considered unlicensed practice and is subject to disciplinary action.

(4) If a residential or general contractor whose license has been placed on inactive status seeks to reactivate the inactive license, the licensee may be returned to active status if the following requirements are met:

(a) A reactivation application, as established by the Board, along with the required fee, must be submitted to the Board.

(b) Submit evidence of attendance of the required Board approved continuing education for each biennium that the license was inactive.



- (c) Provide evidence that licensee is in good standing in all states in which he or she has ever been licensed.
- (d) Submit proof of current general liability insurance and worker's compensation as required by law for the license type that is to be reactivated.
- (e) Submit proof of financial responsibility as is required for the license type that is to be reactivated.
- (f) Submit proof of active and compliant registration with the Georgia Corporations Division for the business organization as is required for the license type that is to be reactivated.

**Authority: O.C.G.A. §§ 43-41-5(a)(7), 43-41-5(a)(9), and 43-41-9(e).**